IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.38901 of 2008

NARAIN DAS RATHI,
son of Deo Kishan Rathi,
resident of Mohalla Hamam Gali
Gurhatta, P.S. Khajekalan (Patna City),
District Patna, Proprietor of Bikaner
Plastic Industries Ltd.
------Petitioner

Versus

1. STATE OF BIHAR through Vigilance
Commissioner, Vigilance Investigation
Bureau, Patna
2. Vigilance Commissioner,
Vigilance Investigation Bureau,
Patna

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5. 17.12.2008 A supplementary affidavit has been filed on behalf of the petitioner.

Heard the learned counsel for the petitioner and the learned counsel appearing for the Vigilance.

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The petitioner is apprehending his arrest in connection with Vigilance P.S. Case No.30/89, Special Case No.42/89 for the alleged offences registered under sections 406, 420, 467, 468, 471 and 120B of the Indian Penal Code and section 5(2) read with section 5(1)(d) of the Prevention of Corruption Act, 1947 corresponding to section 13(2) read with section 13(1)(d) of the Prevention of Corruption Act, 1988.

It is submitted that the allegations are that the accused firms were fictitious and they had also not supplied the polythene. It is further submitted that so far as the firm of the petitioner, namely, M/s. Bikaner Plastic Industries Ltd. is concerned, during investigation it has come that this firm is existent and also supplied the same. However, the allegation is that the petitioner is alleged to have

supplied the goods of sub-standard quality and as such received the payment in excess. Learned counsel further submitted that there is no excess payment made. As a matter of fact, the petitioner has already filed Civil Suit, bearing Title Suit No.53/99 in which the Leather Corporation has appeared and is contesting the suit. Besides the above, it is submitted that another co-accused, namely, Ramesh Kumar Jagnani and Smt. Sharda Jagnani against whom also there were allegations of supplying substandard quality of materials have been allowed anticipatory bail by this Court as per the order dated 5.5.1994, contained in Annexure 4.

The learned counsel appearing on behalf of the Vigilance although opposes the prayer for bail, but submits that the allegation of aforesaid co-accused Ramesh Kumar Jagnani was also of supplying the sub-standard material.

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Considering the facts and circumstances of the case, let the petitioner above named, in the event of his arrest or surrender in connection with Vigilance P.S. Case No.30/89, Special Case No.42/89 within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Vigilance, Patna, in connection with the aforesaid case, on the conditions mentioned in sub-section (2) of section 438 of the Code of Criminal Procedure.

PNM **(Shailesh Kumar Sinha, J.)**